

DEC 07 2004

LAW OFFICES
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

TELECOPY: (312) 616-5700 (G3)
(312) 849-0495 (G4)

FACSIMILE COVER SHEET

DATE: DECEMBER 7, 2004

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 28

TIME:

YOUR REFERENCE: 09/418,943

OUR REFERENCE: 202231

TO: U.S. PATENT AND TRADEMARK OFFICE
IN RE APPLICATION OF: TIMOTHY C. SOWELL
EXAMINER: NGA B NGUYEN
GROUP ART UNIT: 3628

TELEPHONE NUMBER:

FACSIMILE NUMBER: (703) 872-9306

FROM: MARK JOY

DIRECT LINE: (312) 616-5673

MESSAGE:

A confirmation copy of the transmitted document will:

- ☒ Not be sent. This will be the only form of delivery of the transmitted document.
☐ Be sent via First Class/Air Mail.
☐ Be sent via Overnight Courier

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

In re Application of: Timothy C. Sowell
Application No. 08/418,943
Filed: October 15, 1999
For: Distributing And Billing Software According To Customer Use Of Program Modules

Mail Stop
Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to an office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			two-month		\$ 0.00		\$430.00	
	subtract time extension fee previously paid		none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	ADD'L CLAIM FEE	
TOTAL	50	MINUS	73	=	x 9=	\$	x 18= \$0	
INDEPENDENT	5	MINUS	5	=	x 44=	\$	x 88= \$0	
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 150=	\$	+ 300= \$	
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL \$0	

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
LEYDIG, VOIT & MAYER, LTD.

Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-8780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

By: 
Mark Joy, Reg. No. 35662

Amendment or ROA Transmittal (Revised 10/1/04)

In re Application of: Timothy C. Sowell

Application No. 09/418,943

Filed: October 15, 1999

For: Distributing And Billing Software According To Customer Use Of Program Modules

Mail Stop

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to an office action in the subject application.

☐ Small entity status is claimed for this application under 37 CFR 1.27.

☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☐ Other:

☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			two-month		\$ 0.00		\$430.00	
	subtract time extension fee previously paid		none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	ADD'L CLAIM FEE	
TOTAL	50	MINUS	73	=	x 9=	\$	x 18= \$0	
INDEPENDENT	5	MINUS	5	=	x 44=	\$	x 88= \$0	
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 150=	\$	+ 300= \$	
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL \$0	

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
LEYDIG, VOIT & MAYER, LTD.

Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-6700 (facsimile)

By 
Mark Joy, Reg. No. 35862

Amendment or ROA Transmittal (Revised 10/1/04)

PATENT
Attorney Docket No. 202231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy Charles Sowell

Art Unit: 3628

Application No. 09/418,943

Examiner: Nguyen, Nga B.

Filed: October 15, 1999

For: Distributing and Billing Software
According to Customer Use of Program
Modules

**APPELLANT'S REQUEST FOR REINSTATEMENT OF THE APPEAL AND
SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. SECTION 1.193(b)(2)(ii)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Office Action mailed on July 7, 2007, reopening prosecution of the above identified application. Appellant hereby respectfully requests reinstatement of the appeal and submits herewith a supplemental appeal brief to the Board of Patent Appeals and Interferences in support of Appellant's original appeal of the Final Office Action dated September 8, 2003. The Notice of Appeal was filed on December 5, 2003. The Appeal Brief was filed on April 5, 2004.

(1) Real Party In Interest

The patent application that is the subject of this appeal is owned by Invensys Systems, Inc.

(2) Related Appeals and Interferences

There are no appeals or interferences that are related to this appeal.